

1 AN ACT concerning child support.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Banking Act is amended by changing
5 Section 48.4 as follows:

6 (205 ILCS 5/48.4)

7 Sec. 48.4. Enforcement of ~~Administrative liens for~~
8 ~~past due~~ child support.

9 (a) Any bank governed by this Act shall encumber or
10 surrender accounts or assets held by the bank on behalf of any
11 responsible relative who is subject to a child support lien,
12 upon notice of the lien or levy of the Illinois Department of
13 Public Aid or its successor agency pursuant to Section 10-25.5
14 of the Illinois Public Aid Code, or upon notice of interstate
15 lien or levy from any other state's agency responsible for
16 implementing the child support enforcement program set forth in
17 Title IV, Part D of the Social Security Act.

18 (b) Within 90 days after receiving notice from the
19 Department of Public Aid that the Department has adopted a
20 child support enforcement debit authorization form as required
21 under the Illinois Public Aid Code, each bank governed by this
22 Act shall take all appropriate steps to implement the use of
23 the form in relation to accounts held by the bank. Upon
24 receiving from the Department of Public Aid a copy of a child
25 support enforcement debit authorization form signed by an
26 obligor, a bank holding an account on behalf of the obligor
27 shall debit the account and transfer the debited amounts to the
28 State Disbursement Unit according to the instructions in the
29 child support enforcement debit authorization form.

30 (Source: P.A. 92-811, eff. 8-21-02.)

31 Section 10. The Illinois Savings and Loan Act of 1985 is

1 amended by changing Section 1-6d as follows:

2 (205 ILCS 105/1-6d)

3 Sec. 1-6d. Enforcement of ~~Administrative liens for~~
4 ~~past due~~ child support.

5 (a) Any association governed by this Act shall encumber or
6 surrender accounts or assets held by the association on behalf
7 of any responsible relative who is subject to a child support
8 lien, upon notice of the lien or levy of the Illinois
9 Department of Public Aid or its successor agency pursuant to
10 Section 10-25.5 of the Illinois Public Aid Code, or upon notice
11 of interstate lien or levy from any other state's agency
12 responsible for implementing the child support enforcement
13 program set forth in Title IV, Part D of the Social Security
14 Act.

15 (b) Within 90 days after receiving notice from the
16 Department of Public Aid that the Department has adopted a
17 child support enforcement debit authorization form as required
18 under the Illinois Public Aid Code, each association governed
19 by this Act shall take all appropriate steps to implement the
20 use of the form in relation to accounts held by the
21 association. Upon receiving from the Department of Public Aid a
22 copy of a child support enforcement debit authorization form
23 signed by an obligor, an association holding an account on
24 behalf of the obligor shall debit the account and transfer the
25 debited amounts to the State Disbursement Unit according to the
26 instructions in the child support enforcement debit
27 authorization form.

28 (Source: P.A. 92-811, eff. 8-21-02.)

29 Section 15. The Savings Bank Act is amended by changing
30 Section 7007 as follows:

31 (205 ILCS 205/7007)

32 Sec. 7007. Enforcement of ~~Administrative liens for~~
33 ~~past due~~ child support.

1 (a) Any savings bank governed by this Act shall encumber or
2 surrender accounts or assets held by the savings bank on behalf
3 of any responsible relative who is subject to a child support
4 lien, upon notice of the lien or levy of the Illinois
5 Department of Public Aid or its successor agency pursuant to
6 Section 10-25.5 of the Illinois Public Aid Code, or upon notice
7 of interstate lien or levy from any other state's agency
8 responsible for implementing the child support enforcement
9 program set forth in Title IV, Part D of the Social Security
10 Act.

11 (b) Within 90 days after receiving notice from the
12 Department of Public Aid that the Department has adopted a
13 child support enforcement debit authorization form as required
14 under the Illinois Public Aid Code, each savings bank governed
15 by this Act shall take all appropriate steps to implement the
16 use of the form in relation to accounts held by the savings
17 bank. Upon receiving from the Department of Public Aid a copy
18 of a child support enforcement debit authorization form signed
19 by an obligor, a savings bank holding an account on behalf of
20 the obligor shall debit the account and transfer the debited
21 amounts to the State Disbursement Unit according to the
22 instructions in the child support enforcement debit
23 authorization form.

24 (Source: P.A. 92-811, eff. 8-21-02.)

25 Section 20. The Illinois Credit Union Act is amended by
26 changing Section 43.1 as follows:

27 (205 ILCS 305/43.1)

28 Sec. 43.1. Enforcement of ~~Administrative liens for~~
29 ~~past due~~ child support.

30 (a) Any credit union governed by this Act shall encumber or
31 surrender accounts or assets held by the credit union on behalf
32 of any responsible relative who is subject to a child support
33 lien, upon notice of the lien or levy of the Illinois
34 Department of Public Aid or its successor agency pursuant to

1 Section 10-25.5 of the Illinois Public Aid Code, or upon notice
2 of interstate lien from any other state's agency responsible
3 for implementing the child support enforcement program set
4 forth in Title IV, Part D of the Social Security Act.

5 (b) Within 90 days after receiving notice from the
6 Department of Public Aid that the Department has adopted a
7 child support enforcement debit authorization form as required
8 under the Illinois Public Aid Code, each credit union governed
9 by this Act shall take all appropriate steps to implement the
10 use of the form in relation to accounts held by the credit
11 union. Upon receiving from the Department of Public Aid a copy
12 of a child support enforcement debit authorization form signed
13 by an obligor, a credit union holding an account on behalf of
14 the obligor shall debit the account and transfer the debited
15 amounts to the State Disbursement Unit according to the
16 instructions in the child support enforcement debit
17 authorization form.

18 (Source: P.A. 90-18, eff. 7-1-97.)

19 Section 25. The Foreign Banking Office Act is amended by
20 changing Section 20 as follows:

21 (205 ILCS 645/20)

22 Sec. 20. Enforcement of ~~Administrative liens for past-due~~
23 child support.

24 (a) Any foreign banking corporation governed by this Act
25 shall encumber or surrender accounts or assets held by the
26 foreign banking corporation on behalf of any responsible
27 relative who is subject to a child support lien, upon notice of
28 the lien or levy of the Illinois Department of Public Aid or
29 its successor agency pursuant to Section 10-25.5 of the
30 Illinois Public Aid Code, or upon notice of interstate lien
31 from any other state's agency responsible for implementing the
32 child support enforcement program set forth in Title IV, Part D
33 of the Social Security Act.

34 (b) Within 90 days after receiving notice from the

1 Department of Public Aid that the Department has adopted a
2 child support enforcement debit authorization form as required
3 under the Illinois Public Aid Code, each foreign banking
4 corporation governed by this Act shall take all appropriate
5 steps to implement the use of the form in relation to accounts
6 held by the corporation. Upon receiving from the Department of
7 Public Aid a copy of a child support enforcement debit
8 authorization form signed by an obligor, a foreign banking
9 corporation holding an account on behalf of the obligor shall
10 debit the account and transfer the debited amounts to the State
11 Disbursement Unit according to the instructions in the child
12 support enforcement debit authorization form.

13 (Source: P.A. 90-18, eff. 7-1-97; 90-655, eff. 7-30-98.)

14 Section 30. The Illinois Public Aid Code is amended by
15 adding Section 10-16.7 as follows:

16 (305 ILCS 5/10-16.7 new)

17 Sec. 10-16.7. Child support enforcement debit
18 authorization.

19 (a) For purposes of this Section:

20 "Financial institution" and "account" are defined as set
21 forth in Section 10-24.

22 "Payor" is defined as set forth in Section 15 of the Income
23 Withholding for Support Act.

24 "Order for support" means any order for periodic payment of
25 funds to the State Disbursement Unit for the support of a child
26 or, where applicable, for support of a child and a parent with
27 whom the child resides, that is entered or modified under this
28 Code or under the Illinois Marriage and Dissolution of Marriage
29 Act, the Non-Support of Spouse and Children Act, the
30 Non-Support Punishment Act, or the Illinois Parentage Act of
31 1984, or that is entered or registered for modification or
32 enforcement under the Uniform Interstate Family Support Act.

33 "Obligor" means an individual who owes a duty to make
34 payments under an order for support in a case in which child

1 support enforcement services are being provided under this
2 Article X.

3 (b) The Department of Public Aid shall adopt a child
4 support enforcement debit authorization form that, upon being
5 signed by an obligor, authorizes a financial institution
6 holding an account on the obligor's behalf to debit the
7 obligor's account periodically in an amount equal to the amount
8 of child support that the obligor is required to pay
9 periodically and transfer that amount to the State Disbursement
10 Unit. The form shall include instructions to the financial
11 institution concerning the debiting of accounts held on behalf
12 of obligors and the transfer of the debited amounts to the
13 State Disbursement Unit. In adopting the form, the Department
14 may consult with the Office of Banks and Real Estate and the
15 Department of Financial Institutions. The Department must
16 adopt the form within 6 months after the effective date of this
17 amendatory Act of the 93rd General Assembly. Promptly after
18 adopting the form, the Department must notify each financial
19 institution conducting business in this State that the form has
20 been adopted and is ready for use.

21 (c) An obligor who does not have a payor may sign a child
22 support debit authorization form adopted by the Department
23 under this Section. The obligor may sign a form in relation to
24 any or all of the financial institutions holding an account on
25 the obligor's behalf. Promptly after an obligor signs a child
26 support debit authorization form, the Department shall send the
27 original signed form to the appropriate financial institution.
28 Subject to subsection (e), upon receiving the form, the
29 financial institution shall debit the account and transfer the
30 debited amounts to the State Disbursement Unit according to the
31 instructions in the form. A financial institution that complies
32 with a child support debit authorization form signed by an
33 obligor and issued under this Section shall not be subject to
34 civil liability with respect to any individual or any agency.

35 (d) The signing and issuance of a child support debit
36 authorization form under this Section does not relieve the

1 obligor from responsibility for compliance with any
2 requirement under the order for support.

3 (e) A financial institution is obligated to debit the
4 account of an obligor pursuant to this Section only if or to
5 the extent:

6 (1) the financial institution reasonably believes the
7 debit authorization form is a true and authentic original
8 document;

9 (2) there are finally collected funds in the account;
10 and

11 (3) the account is not subject to offsetting claims of
12 the financial institution, whether due at the time of
13 receipt of the debit authorization form or thereafter to
14 become due and whether liquidated or unliquidated.

15 To the extent the account of the obligor is pledged or held
16 by the financial institution as security for a loan or other
17 obligation, or that the financial institution has any other
18 claim or lien against the account, the financial institution is
19 entitled to retain the account.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.